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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,435	06/27/2001	Royan Herbert Bartley	ROC920010184US1	2817
46296	7590	11/18/2005	EXAMINER	
MARTIN & ASSOCIATES, LLC			BILGRAMI, ASGHAR H	
P.O. BOX 548			ART UNIT	
CARTHAGE, MO 64836-0548			PAPER NUMBER	
			2143	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,435

Applicant(s)

BARTLEY ET AL.

Examiner

Asghar Bilgrami

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The applicant's arguments regarding the objections to claim 17 were persuasive and the examiner traverses the objection of claim 17.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Mikami et al (U.S. 5,704,031) and Day et al (U.S. Pub No. 2002/0147757 A1).
4. As per claims 1, 6, 11, 12, 13, 14, 15, 17, 18 & 24 Mikami disclosed a computer system comprising: at least one processor; a memory coupled to the at least one processor; an execution data collection mechanism residing in the memory and executed by the at least one processor, the execution data collection mechanism collecting execution data for the computer system (col.1, lines 59-67 & col.2, lines 1-5); an execution data transmission mechanism residing in the memory and executed by the at least one processor, the execution data transmission mechanism,

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when enabled, transmitting at least a portion of the execution data to another computer system coupled to the computer system via a network (col.2, lines 11-37).

However Mikami did not disclose in detail about an execution data access mechanism residing in the memory and executed by the at least one processor, the execution data access mechanism allowing access to the execution data by a user of the computer system only if the execution data transmission mechanism is enabled. In the same field of endeavor day disclosed that client and server could communicate by means of requests and/or responses (paragraphs. 37 & 47).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated access means by another computer as taught by Day to the computer system having execution data taught by Mikami in order to make the information available to another entity for analysis or record and thus making the system versatile.

5. As per claims 2 & 7 (Mikami-Day) disclosed the computer system of claim 1 wherein the computer system comprises a customer computer system and the another computer system comprises a vendor computer system (Mikami, col.1, lines 1-63).

6. As per claims 3, 8, 21 & 27 (Mikami-Day) disclosed the computer system of claim 1 wherein the execution data comprises data collected by an operating system residing in the memory and executed by the at least one processor (Mikami, col.1, lines 64-67 & col.2, lines 1-6).

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7. As per claims 4, 9, 22 & 28 (Mikami-Day) disclosed the computer system of claim 1 wherein the execution data comprises data collected by a software application residing in the memory and executed by the at least one processor (col.2, lines 11-21).

8. As per claims 5, 10, 23 & 29 (Mikami-Farhat) disclosed the computer system of claim 1 wherein the execution data comprises data collected 2 by an analysis program residing in the memory and executed by the at least one processor (Mikami, col.2, lines 21-37).

9. As per claim 16 (Mikami-Day) disclosed the method of claim 15 further comprising the step of; (D) the customer computer system sharing the execution data (Mikami, col.3, lines 1-14)

10. As per claim 19 & 25 (Mikami-Day) disclosed the program product of claim 18 wherein the signal bearing media comprises recordable media (Mikami, col.3, lines 14-25 & col.4, lines 3-11)

11. As per claim 20 & 26 (Mikami-Day) the program product of claim 18 wherein the signal bearing media comprises transmission media (Mikami, col.2, lines 50-67).

Response to Arguments

12. Applicant's arguments filed 08/24/2005 have been fully considered but they are not persuasive.

13. The applicant argued "Day does not teach or suggest allowing access to the execution data by the user only if the execution data transmission mechanism is enabled."

14. As to applicants argument Day clearly describes the user/partner having access privileges to each others data stored in their respective computers. In addition Day further describes that one company can access only the data from another company, which has been enabled for directed access (page 5, paragraph, 47).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143


AB


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